

REMARKS:

Favorable reconsideration of this application is respectfully requested.

Claims 1-8 were rejected under 35 U.S.C. section 103(a) as being unpatentable over Gorell, et al. in view of Thomas, and in view of Cement Association of Canada and in view of Gonzalez Espinosa de Los Monteros and Westerlund.

The Action states that Gorell, et al., shows two modules formed at the same time. As applicant reads Gorell, et al., it does not teach module formation. It teaches forming a complete building in place by setting side wall panels upright and pouring a single and complete building floor within the panels and within a footer foundation. Thus the formation of transportable modules is not disclosed in Gorell, et al.

The Action correctly notes that Gorell, et al. does not show an upright floor form rail, but states that the Cement Association of Canada reference ("Cement Association") teaches timber or metal forms or rails. Cement Association mentions the construction of "Concrete curb, gutter or sidewalk sections ... using timber or metal forms" In other words, Cement Association only suggests the use of the same sorts of wood or metal forms which are in use everywhere for every sort of concrete forming. Cement Association does not suggest using a rail in combination with three upright module walls to define a floor form.

The present form arrangement is not arbitrary and is not functionally equivalent to an ordinary wood or metal panel form.

Applicant has observed that when upright wall panels are set in a module floor form and a concrete floor is poured and cures, the wall panels often have a slight plumb bob tilt relative to horizontal. This can cause a problem in subsequent building assembly from half-building modules, because module side wall panels which meet and become contiguous can have different tilts and form a discontinuity in the resulting composite building side wall. The present invention solves this problem by forming the two modules, which will later be united to define a single building, on opposite sides of the same rail. This permits adjustment of directly opposing side wall panel panels to have matching angles or tilts relative to horizontal so that when joined together later at the construction site, the resulting building has apparently seamless composite side walls. This is explained in the present specification at the bottom of page 13 as follows:

"The two modules 10 that will together form a given building are formed closely opposing each other on either side of form rail 34, so that any slight plumb bob tilt of the module pitch walls 12 directly corresponds from one module 10 to the other and common pitch side walls 12 are mutually aligned."

This limitation is added to amended claim 5 above, and is believed to patentably distinguish claim 5 and claims 9, 10 and 11 depending from claim 5 from the cited art.

The remaining claims 1-4 and 6, 7 and 8 recite module formation on just one side of the rail, but the beneficial and inventive arrangement of combining module side walls and a form rail to create a floor form is not shown in any of the cited art

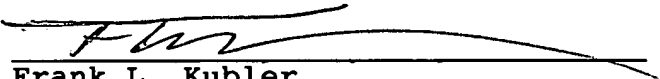
and is believed to patentably distinguish these claims from the cited art as well.

In view of the foregoing considerations, it is respectfully urged that claims 1-8 as amended and added claims 9, 10 and 11 should be allowed. Such action is respectfully requested.

A Petition for Extension of Time and a check for the petition fee are also enclosed.

If there are any reservations about allowing these claims, a telephone interview is respectfully requested.

Respectfully submitted,



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Dated: October 14, 2003.



CERTIFICATE OF MAILING

I HEREBY CERTIFY that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the 14th day of October, 2003.

Signed: _____

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